

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates:

PLAINTIFF(S)

17-cv-04642 (Smith v. 3M Co., et al.)

RESPONSE IN OPPOSITION TO DEFENDANT’S MOTION TO DISMISS

I, Tayjes Shah, declare as follows:

1. I am an attorney at The Miller Firm, LLC and Counsel for Plaintiff Diana Smith in the above-captioned matter.

2. I submit this affidavit in opposition to Defendants’ Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 [Dkt. 1189] filed on April 5, 2018.

3. Ms. Smith contacted The Miller Firm, LLC regarding injuries that were allegedly caused by the Bair Hugger patient warming device.

4. Medical records pertaining to Ms. Smith’s treatment were obtained by the Miller Firm, LLC. Those records indicated that a Bair Hugger device was used during her initial orthopedic surgery.

5. This case was filed on October 11, 2017 to comply with the statute of limitations deadline.

6. Contact attempts have been made to Ms. Smith to obtain information necessary to complete and submit the Plaintiff Fact Sheet.

7. The Miller Firm, LLC has not obtained the information necessary to complete and submit the Plaintiff Fact Sheet.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Dated: 4/11/2018

Respectfully submitted,

s/Tayjes Shah

Tayjes Shah, Esq.
The Miller Firm, LLC
108 Railroad Ave.
Orange, VA 22960
P: 540-672-4224
Email: tshah@millerfirmllc.com

CERTIFICATE OF SERVICE

This is to certify that on April 11, 2018 a copy of the foregoing document was served on all parties via the Court's electronic filing system.

Respectfully submitted,

s/Tayjes Shah

Tayjes Shah, Esq.
The Miller Firm, LLC
108 Railroad Ave.
Orange, VA 22960
P: 540-672-4224
Email: tshah@millerfirmllc.com